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7 UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF WASHINGTON

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10 STEVE C. MILLER, a single man }
11 Plaintiff, } No. CV-09-001-JLQ
12 v. } DEFENDANT'S ANSWER
13
14 NATIONWIDE DEBT RECOVERY }
15 SERVICE, INC., a Washington based }
corporation, }
Defendant. }

16 * * *

17 THE ABOVE NAMED DEFENDANT NATIONWIDE DEBT RECOVERY
18 SERVICE INC. IN ANSWER TO THE AMENDED COMPLAINT STATES:
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20 I

21 1.1 This defendant admits that Plaintiff alleges that this is an action for actual and
22 statutory damages brought by Plaintiff, Steven C. Miller, against Defendant,
23 Nationwide Debt Recovery service, Inc., for violation of the Fair Debt
24 Collection Practices Act but denies any other averment contained in "I
25 INTRODUCTION".

DECLARATION OF COUNSEL FOR PLAINTIFF RE CLASS
CERTIFICATION
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1 II
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2.1 This defendant admits the averments contained in "II, JURISDICTION" and
3 paragraphs "4", "5", "6", "11" and "13", of the complaint.

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5 III
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6.1 This defendant is without sufficient information to form a belief about the
7 truth or falsity of the averments contained in paragraphs "3", "12", "16", "17",
8 and "18" of the complaint and therefore deny the same.

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10 IV
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11.1 The plaintiff fails to identify any time period in his averments in paragraphs
12 "7" and "8" and therefore this defendant is without sufficient information to
13 form a belief about the truth or falsity of the averments contained in paragraphs
14 "7" and "8" of the complaint and therefore deny the same.

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16.2 This defendant denies the averments contained in paragraphs "9", "20", and
17 "21" of the complaint.

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19.3 This defendant admits that Plaintiff was issued a citation numbered "71762"
20 from Gonzaga University Campus Security but denies any other averments
21 contained in paragraphs "10", of the complaint.

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23.4 This defendant admits that it sent a collection letter to one "Steven Miller"
24 seeking payment for the citation, but denies any other averments contained in
25 paragraph "14" of the complaint.

4.5 This defendant admits that an account was paid in the amount of \$40.00 but is without sufficient information to form a belief about the truth or falsity of the other averments contained in paragraph "15" of the complaint and therefore deny the same.

V.

5.1 This defendant admits and denies the averments contained in paragraph "19" consistent with the responses contained herein.

VI

AFFIRMATIVE DEFENSES

6.1 Plaintiff's complaint fails to state a claim upon which relief may be granted against this defendant.

6.2 This defendant denies that the plaintiff was injured as the result of any action or omission undertaken by this defendant.

6.3 That any injury suffered by the plaintiff was a direct and proximate result of his own failure to act or omission or that of his attorney, his son;

6.4 Plaintiff's claims are barred by the doctrines of adjudication, bono fide error, statute of limitation, good faith interpretation, laches, estoppel, failure to mitigate, failure to add necessary party, failure to establish damages, and *Clark v. Capital Credit and Collection Services, Inc.* 460 F.3d 1162 (9th Cir. 2006) and *Reichert v. National Credit*, 531 F.3d 1002 (9th Cir. 2008).

6,5 That the plaintiff's attorney Kirk Miller was the driver of the vehicle that received the citation; that Kirk Miller failed to notify the University that he had a permit for parking; that Kirk Miller failed to mitigate any damages by failing to notify the university and that the plaintiff's complaint calls into question the basis of the underlying debt, a penalty for the citation issued to the vehicle;

6.6 This defendant hereby gives notice that it intends to rely upon such other defenses as may become available or apparent during discovery proceedings or as may be raised or asserted by any defendant in this case. This defendant reserves the right to amend its answer and to further assert other affirmative defenses.

WHEREFORE, HAVING FULLY ANSWERED PLAINTIFF'S COMPLAINT AND HAVING ASSERTED AFFIRMATIVE DEFENSES THIS DEFENDANT PRAYS AS FOLLOWS:

- A. That the court dismiss the plaintiff's complaint with prejudice and that he take nothing; and
- B. That this defendant recover all costs including attorneys fees pursuant to Section 1692 k of the FDCPA.

/S/MICHAEL J. BEYER

MICHAEL J. BEYER 9109

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 24, 2009, I electronically filed the foregoing with the Clerk of the Court and Attorney Kirk Miller located at 209 E. Sprague Ave. Spokane Washington 99202 using the CM/ECF system and further certify that there were no non CM/ECF parties.

Dated this 24th day of February, 2009.

/S/MICHAEL J. BEYER
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